REMARKS

I. INITIAL REMARKS

The amendments to claims 1 and 3-5 serve merely to clarify the patentable subject matter. No new matter has been added. Applicants believe that the comments that follow will convince the Examiner that the rejections set forth in the August 10, 2007 Office Action have been overcome and should be withdrawn. Claims 1 and 3-5 remain in the application.

II. THE EXAMINER'S REJECTIONS

The Examiner has rejects claims 1, 3-5 under 35 U.S.C. §103(a), as being unpatentable over Baxley et al, U.S. Publication No. 2004/0085913 (hereinafter "Baxley") in view of Kung et al, U.S. Patent No. 6,671,262 (hereinafter "Kung"). The Examiner cites Baxley as teaching claims 1, 3, and 5. However, the Examiner concedes that Baxley teaches a single server, serving as both a packet-switched and a circuit-switched conferencing server but fails to teach multiple servers performing such a function:

> "Baxley teaches substantial features of the claimed invention including a single server serving as both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not teach of establishing by a packet-switched conferencing server, a connection to a circuits-switched conferencing server; designating said connection as an active speaker on said packet-switched conferencing server; and forwarding, over said connection, said second audio packet to said circuit-switched conferencing server; whereby said packet-switched conferencing server is independent from said circuit-switched conferencing server." Office Action dated August 10, 2007, page 4.

Moreover, the Examiner does not cite Kung as teaching separate packet-switched and circuit-switched servers but merely to show that a conferencing server maybe independent from another conferencing server:

> "Kung teaches of a system for conferencing comprising a plurality of conferencing servers, - wherein a conferencing server establishes a connection with another conferencing server for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50)." Office Action dated August 10, 2007, page 4.

Finally, The Examiner suggests that it would have been obvious for one of ordinary skill in the art to combine Baxley and Kung:

> "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another independent server for, forwarding of audio packets received from a plurality of clients as taught by Kung. Kung's teachings would provide distribution of load of a server and offload processing power of a server (col. 31, lines 36-39)." Office Action dated August 10, 2007, page 4.

III. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

The Examiner has rejected claims 1, 3-5 under 35 U.S.C. §103(a), as being unpatentable over Baxley in view of Kung. Applicants respectfully disagree and submit that none of the claims are rendered obvious in view of the cited references.

The Examiner states that Baxley teaches the invention as claimed. Specifically, that Baxley teaches receiving a plurality of audio packets by a packet switched conferencing server, wherein the packets are sent asynchronously. The Examiner specifically states:

> "Baxley teaches substantially the invention as claimed including a method for audio conferencing between clients of a circuit switched network and clients of a packet switched network Baxley's teachings comprising... receiving, by said packet-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints.) wherein said plurality of audio packets are received asynchronously (Examiner considers asynchronously as not concurrent in time. It is implicit that users may speak at varying times of each other.)..." Office Action dated August 10, 2007, page 3.

This is not the case, Baxley merely teaches an audio conference method in a hybrid network where input from packet-switched clients and circuits-switched clients connected to an audio conference is received by a single server acting as both, a packet-switched conferencing server and a circuit-switch conferencing server. However, Baxley fails to teach or fairly suggest that audio packets received by packet-switch conferencing server are to be sent using an asynchronous transmission method.

Furthermore, since the two types of servers are not independent in the Baxley system, Baxley is neither concerned with nor addresses the transmission methods between servers, specifically the transmission of packets as is done between two independent servers. Therefore the distinct and novel transmission method of the present invention was neither taught nor suggested by the Baxley Application.

In contrast, independent claim 1 of the present invention requires a method for "linking a first plurality of clients connected to a packet-switched conferencing server to a second plurality of clients connected to a circuit-switched conferencing server, one or more of said first plurality of clients and said second plurality of clients being designated as an active speaker." Furthermore, the method requires receiving, over a connection

between a packet-switched conferencing server and a circuit-switched conferencing server, "a first audio packet from said packet-switched conferencing server, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by the said packet-switched conferencing server; wherein said plurality of audio packets are received using an asynchronous transmission method". Thus independent claim 1 of the present invention requires that the voice packets be sent from one server to another using an asynchronous transmission method.

Furthermore, the Examiner cites Kung as teaching a plurality of servers for teleconferencing, and that it would have been obvious to one skilled in the art to combine the teachings of Kung and Baxley. Specifically, the Examiner states:

> "Kung teaches of a system for conferencing comprising a plurality of conferencing servers, wherein a conferencing server establishes a connection with another conferencing server for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50)... It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another independent server for forwarding of audio packets received from a plurality of clients as taught by Kung." Office Action dated August 10, 2007, page 4.

Kung teaches a conferencing system wherein a multiple servers are used for conferencing, wherein the conferencing is conducted by transmission of audio packets. However, Kung fails to teach a method of linking a first plurality of clients connected to a packet-switched conferencing server to a second plurality of clients connected to a circuit-switched conferencing server whereby the first and second plurality of clients can simultaneously participate in a single audio conference application, and whereby the

packet-switched conferencing server is independent from the circuit-switched conferencing server. In addition Kung fails to teach or fairly suggest that audio packets received by a packet-switched conferencing server are sent using an asynchronous transmission method. Thus, the unique and novel transmission method of the present invention was neither taught nor suggested by Kung.

In contrast independent claims 1 and 3-5 of the present invention require linking a first plurality of clients connected to a packet-switched conferencing server to a second plurality of clients connected to a circuit-switched conferencing server whereby the first and second plurality of clients can simultaneously participate in a single audio conference application. Furthermore, the present invention requires that the transmission of packets between a packet-switched server and a circuit switched server occur using the asynchronous transmission method. Thus, Kung does not teach, neither alone nor in combination with Baxley, the novel and non obvious features of the present invention as defined by independent claims 1, and 3-5.

Additionally, the Examiner argues that Baxley teaches a server receiving audio input from packet-based asynchronously. The Examiner chooses to interpret the term "asynchronously" as lacking or not concurrent in time, and further argues that such an interpretation is taught by Baxley since certain users may speak at different times than other users. The Examiner specifically states:

> "[T]he Examiner considers the term 'asynchronously' as lacking or not concurrent in time. Baxley teaches of a server receiving audio input from packet-based endpoints (Paragraph 0050). It would have been apparent that users at the packet-based endpoints may speak at different times, i.e. not concurrently, for example, at the users' own convenience or may wait to speak to other users. Therefore, Baxley teach/suggests of receiving audio packets asynchronously" Office Action dated August 10, 2007, page 1.

This is not so, the term "asynchronous" when referring to a type of digital communication, does not simply mean the communication is not concurrent in time, rather it implies a specific type of data transmission. In particular, asynchronous transmission utilizes start and stop bits to signify the beginning and end of a transmission or packet. Since two extra bits are added which do not describe the contents of the packet an 8 bit ASCII character would be transmitted using 10 bits for example. Thus, if the character "0110 1011" would be transmitted using the asynchronous transmission method, it would be transmitted as "1 0110 1011 0", wherein the extra one and zero at the start and end of the transmission respectively, tell the receiving server that first a character is coming and secondly that the character has ended. Finally, the beginning and end bits must be of opposite polarity in order to enable the receiver to identify when the next packet of information is being sent. Claims 1 and 3-5 have been amended to clarify this matter.

Thus, neither Baxley nor Kung teach or fairly suggest a transmission method which utilizes start and stop bits to signify the beginning and end of a transmitted packet (i.e. using an asynchronous transmission method). Upon reconsideration, the Examiner will undoubtedly recognize that Baxley and Kung individually and in combination fail to disclose the present invention as required by independent claims 1, 3-5. In addition, none of these references, alone or in combination, disclose methods and systems for linking a first plurality of clients connected to a packet-switched conferencing server to a second plurality of clients connected to a circuit-switched conferencing server whereby the first and second plurality of clients can simultaneously participate in a single audio conference

application and whereby the packet-switched conferencing server is independent from the circuit-switched conferencing server as required by independent claims 1, 3-5. Furthermore, it is abundantly clear that neither of the references, in anyway, alludes to nor mentions the novel transmission method of the present invention; moreover neither of the cited references teaches or suggests that audio packets received by packet-switch conferencing server are to be sent using an asynchronous transmission method.

Since it is black letter law that references, either alone or in combination, used in a 35 USC §103(a) rejection must teach or suggest each and every claim limitation (MPEP § 2143-2143.03), Applicants respectfully submit that the Examiner's rejection under 35 U.S.C. § 103 is improper and should be withdrawn. As such, independent claims 1, 3-5 are in condition for allowance.

IV. CONCLUSION

Applicants submit that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. The claims have been amended merely to clarify the novel features of the current invention and are in no way related to patentability. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same. This Amendment is being timely filed. In the event that any additional fee is required for the entry of this amendment the Patent

and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 23-0420 in the name of Ward & Olivo.

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all pending claims is respectfully requested.

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Respectfully submitted,

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Joe H. Shallenburger
Reg. No. 37,937
WARD & OLIVO
382 Springfield Avenue
Summit, New Jersey 07901
(908) 277-3333